

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Thomas Evans Banner & Witcoff, Ltd. 1001 G. Street, N.W. Washington, DC 20001-4597 MAILED MAY 0 3 7007

TECHNOLOGY CENTER 2100

In re Application of: Marc Van Heyningen et al. Application No. 09/783,146 Filed: February 13, 2001

For: Method and Apparatus for Providing Secure

Streaming Data Transmission Facilities

Using Unreliable Protocols

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed January 22, 2007 under 37 CFR § 1.181 to have the communication dated December 15, 2006, dismissing the appeal in this application be withdrawn.

A review of the record reveals that an appeal brief was filed on September 20, 2006. On December 15, 2006, a letter was mailed dismissing the appeal because the brief does not contain clear arguments with respect to the claims at issue in a clear manner addressing each claim or a group of claims with similar scope with respect to each independent claim, especially claim 38. On January 19, 2007 an interview occurred where the examiner agreed to withdraw the letter dismissing the appeal. On January 24, 2007 a notice of Non-compliant Appeal Brief was mailed out.

As petitioner's relief has already occurred the petition is **DISMISSED AS MOOT.**

The status of the application is the period for response continues to run from the January 24, 2007, notice of Non-Compliant Appeal Brief.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612.

Tod Swann

Workgroup Quality Assurance Specialist

Technology Center 2100

Computer Architecture, Software, and

Information Security